

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF WISCONSIN

KEVIN B. MITCHELL,

Plaintiff,

Case No. 15-cv-1520-JPS

v.

SERGEANT MARK RICHTER,
SERGEANT FENN,
CORRECTIONAL OFFICER HANSEN,
CORRECTIONAL OFFICER JOHNSON,
CORRECTIONAL OFFICER IVERSON,
CORRECTIONAL OFFICER KRUEGER,
DEPUTY WALTER, DR. KAREN BUTLER,
NURSE TRACY, NURSE BRENDA, NURSE LISA,
NURSE NICK, and CAPTAIN BRINKMAN,

Defendants.

**DEFENDANT DR. KAREN BUTLER'S
MOTION FOR ATTORNEYS' FEES
PURSUANT TO FED. R. CIV. P. 54 (d) (2)**

Defendant Dr. Karen Butler, by her attorneys, Bell, Moore & Richter, S.C., hereby files this Motion for Attorneys' Fees pursuant to Fed. R. Civ. P. 54(d)(2), 42 U.S.C. § 1988 (b) and 28 U.S.C. § 1927. Dr. Butler requests an award of actual attorney's fees against Plaintiff Kevin Brian Mitchell in the total amount of \$16,304.50, as well as costs as itemized in the separately-filed Bill of Costs (seeking taxable costs in the amount of \$220.75).

These numbers represent the amounts incurred in the defense of this case on behalf of Dr. Butler through February 28, 2017. Dr. Butler joins the companion Motion filed by the Nurse Defendants seeking their attorneys' fees and adopts and incorporates all of the same arguments contained therein.

This court noted, in its Order that Mitchell did not have viable claims (Doc. 157, p. 30), that his claims were factually frivolous (*Id.*, p 30), that he had suffered no actual injury (Doc. 157, p. 19), and that he had wasted the court's time (*Id.*). Further, the court concluded that no reasonable factfinder could conclude that Dr. Butler acted with deliberate indifference to his medical needs (Doc. 157, p. 28). Dr. Butler, by counsel, agrees with these characterizations.

The legal fees incurred by Dr. Butler were \$16,304.50 as of February 28, 2017. Details with respect to these attorneys fees' are further laid out in the Declaration of Patricia Epstein Putney filed herewith.

In light of the extensive legal fees incurred, Defendant Butler requests that the court, in its discretion, award actual attorneys' fees in this instance.

Dated this 13th day of March, 2017.

BELL, MOORE & RICHTER, S.C.
Attorneys for Defendant, Dr. Karen Butler

/s/ *Patricia Epstein Putney*
By: _____
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